

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

RANIR, LLC and
CVS PHARMACY, INC.

Defendant.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

DENTEK ORAL CARE, INC.,
KELLY M. KAPLAN,
RAY DUANE, and
C.D.S. ASSOCIATES, INC.,

Defendants.

MEDTECH PRODUCTS INC.,

Plaintiff,

v.

POWER PRODUCTS, INC.,
d/b/a/ SPLINTEK,

Defendant.

07 CV 3302 (KMK) (LMS)

PLAINTIFF'S MOTION TO FILE
EXHIBITS UNDER SEAL

Plaintiff Medtech Products Inc. hereby moves this Court pursuant to Fed. R. Civ. P. 26(c) for an order to file under seal Exhibits A, B, C, D, F, G, H, M, N, O, P, and Q to its Second

Amended Complaint for Injunctive Relief and Money Damages (“Second Amended Complaint”), which was filed in the captioned case on October 4, 2007 (copies of these exhibits are attached only to the courtesy copy of the Second Amended Complaint).

Exhibit A is a consulting agreement and pursuant to the terms of the consulting agreement itself, disclosure of the contents of the consulting agreement may violate the terms of that agreement. Exhibits B, C, D, F, G, H, P, and Q contain confidential and/or proprietary information. Exhibits M, N, and O are documents that were produced in response to Medtech’s Subpoena Duces Tecum to Mr. Raymond Duane and were produced on an “Attorneys’ Eyes’ Only” basis of confidentiality.

Plaintiff filed an earlier Motion to File Exhibits Under Seal on August 24, 2007 [Docket Entry 54], which is currently pending before the Court, to seal the same exhibits. Plaintiff’s previous motion was filed concurrently with Plaintiff’s Motion to Amend the Scheduling Order and Motion for Leave to File Its Second Amended Complaint and Memorandum of Law in Support Thereof [D.E. 53]. Defendant DenTek Oral Care, Inc. consented to the filing of these exhibits under seal in its Response to Plaintiff’s Motion for Leave to File Its Second Amended Complaint, Motion to File Exhibits Under Seal, and Motion to Amend the Scheduling Order, and Cross-Motion for an Extension of Time to Respond to Second Amended Complaint [D.E. 57].

As such, Plaintiff respectfully requests that the Court file Exhibits A, B, C, D, F, G, H, M, N, O, P, and Q of its Motion to Amend under seal.

Dated: October 4, 2007

Respectfully submitted,

ALSTON & BIRD LLP

By: s/ Amy Manning

Karl Geercken (KG 5897)
Amy Manning (AM 0338)
90 Park Avenue
New York, New York 10016-1387
(212) 210-9471 (phone)
(212) 210-9444 (facsimile)
karl.geercken@alston.com
amy.manning@alston.com

W. Edward Ramage, TN BPR No. 16261
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.1800
Commerce Center, Suite 1000
211 Commerce Street
Nashville, Tennessee 37201
(615) 726-5600
eramage@bakerdonelson.com
Admitted Pro Hac Vice

Carl M. Davis II, GA Bar Number 207710
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.1800
Six Concourse Parkway
Suite 3100
Atlanta, Georgia 30328
(678) 406-8700
cdavis@bakerdonelson.com
Admitted Pro Hac Vice

Micheline Kelly Johnson, TN BPR No. 13847
Clinton P. Sanko, TN BPR No. 23354
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
1800 Republic Centre
633 Chestnut Street
Chattanooga, Tennessee 37450-1800
(423) 756-2010
mjohnson@bakerdonelson.com
csanko@bakerdonelson.com
Admitted Pro Hac Vice

Of Counsel:

Todd R. David,
GA BPR No. 206526
ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
todd.david@alston.com

Attorneys for Plaintiff, Medtech Products Inc.